**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bureau of Investigation & Enforcement :

:

v. : C-2022-3029070 :

Best Taxi LLC :

Bureau of Investigation & Enforcement :

:

v. : C-2022-3029079

:

Good Cab LLC :

**ORDER CONSOLIDATING PROCEEDINGS**

This Order is issued pursuant to the authority given to Administrative Law Judges under the Commission’s regulations at 52 Pa. Code § 5.483 and 52 Pa. Code § 5.81(a) and consolidate the above captioned cases. The consolidation of these cases is for the purpose of efficient case resolution and for administrative efficiency.

On July 19, 2022, a hearing was held, pursuant to Notice, in the case of *BIE v. Best Taxi, LLC*, Docket No. C-2022-3029070 (*Best Taxi*). Alphonso Arnold, III, Esquire, appeared on behalf of the Bureau of Investigation & Enforcement (BIE). Cory A. Leshner, Esquire, appeared on behalf of Best Taxi, LLC (Best Taxi). Also present, in an observational capacity, was Administrative Law Judge Gail M. Chiodo. Judge Chiodo is the presiding judge in the case of, *BIE v. Good Cab, LLC*, Docket No. C-2022-3029079 (*Good Cab*).

In the course of an extended off-the-record discussion, it became clear that so many commonalities exist between Best Taxi and Good Cab that it would be more efficient to consolidate these cases for hearing and decision rather than to allow them to proceed separately. This was the conclusion of both judges, counsel for BIE, and counsel for Best Taxi and Good Cab. There are no objections to the consolidation of these cases.

The Commission’s regulation pertaining to consolidation appears at 52 Pa. Code § 5.81, and states in relevant part:

**§ 5.81. Consolidation**

(a) The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

52 Pa. Code § 5.81(a).

The question of consolidation is clearly left to the sound discretion of the Commission or the presiding officer.

Cases have been consolidated for adjudication; *See,* *Re Middletown Taxi Co.*, 50 Pa. PUC 263 (1976), for hearing; *City of York v. York Telephone and Telegraph Co.*, 43 Pa. PUC 240 (1967), for briefing; *Clepper Farms, Inc. v. Grantham Water Co.*, 41 Pa. PUC 749 (1965), and have been refused consolidation for any purpose; *Dopp v. Williamsburg Borough Dep’t of Water and Sewer*, 59 Pa. PUC 25 (1984).

In considering the consolidation of cases, the first criteria (set forth in the Commission’s regulations) is that the proceedings must involve “a common question of law or fact.” An examination of Commission precedent in such cases as *Applications of Philadelphia Electric Co.*, 43 Pa. PUC 781 (1968), *Pa. Public Utility Comm’n v. Bell Telephone Co. of Pennsylvania*, 46 Pa. PUC 568 (1973), and *Pa. Public Utility Comm’n v. Butler Twp. Water Co.*, 52 Pa. PUC 442 (1978), as well as those cited above, establishes that considerations in addition to the presence of common questions of law or fact must also be evaluated in ruling on a consolidation. These other considerations (and the answers thereto) are:

1. Will the presence of additional issues cloud a determination of the common issues? Answer: There is an identity of issues.

2. Will consolidation result in reduced costs of litigation and decision-making for the parties and the Commission? Answer: Yes.

3. Do issues in one proceeding go to the heart of an issue in the other proceeding? Answer: Yes.

4. Will consolidation unduly protract the hearing, or produce a disorderly and unwieldy record? Answer: No.

5. Will different statutory and legal issues be involved? Answer: No.

6. Does the party with the burden of proof differ in the proceedings? Answer: No.

7. Will consolidation unduly delay the resolution of one of the proceedings? Answer: No.

8. Will supporting data in all proceedings be repetitive? Answer: Not in any sense that would detract from the efficient resolution of the consolidated proceeding.

No single consideration, nor group of these considerations, is dispositive of a consolidation, any more so than the presence of a common question of law or fact. Rather, the evaluation of all of them and a balancing of those favoring and disfavoring consolidation is required.

In the cases now before us, the above-captioned proceedings are interrelated and raise common issues of law and fact.

Because the disposition of each of these matters is interrelated, the consolidation of these proceedings will promote the efficient use of the time and resources of the parties and the Commission. Consolidation of these cases will not unduly delay the resolution of either of them. In sum, a consolidation for hearing, briefing, and adjudication of these cases is warranted and is in the public interest, the interest of the parties and the interest of the Commission.

**ORDER**

THEREFORE,

IT IS ORDERED:

1. That the above-captioned cases, bearing Docket Nos. C-2022-3029070 and C-2022-3029079, are consolidated for litigation and resolution.

2. A further prehearing conference will be scheduled to establish a litigation schedule for the consolidated cases taking into account the procedural posture of both cases.

Date: September 23, 2022

\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dennis J. Buckley

Administrative Law Judge

\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Gail M. Chiodo

Administrative Law Judge

**C-2022-3029070 - BUR OF INVESTIGATION & ENFORCEMENT v. BEST TAXI LLCC-2022-3029079 – BUR OF INVESTIGATION & ENFORCEMENT v. GOOD TAXI LLC**

BEST TAXI LLC

GOOD TAXI LLC2304 WALNUT STREETHARRISBURG PA 17103

[aaakeystone@gmail.com](mailto:aaakeystone@gmail.com)

CORY A LESHNER ATTORNEYLAW OFFICES OF CORY A LESHNER LLC415 MARKET STSUITE 204HARRISBURG PA 17104**717.909.9999**cal@coryleshner.comAccepts eService

*Represents Best Taxi LLC and Good Taxi, LLC*

ANN SCOTT WESLOWSKIPUC BUREAU OF INVESTIGATION & ENFORCEMENT400 NORTH STREETHARRISBURG PA 17120**570.963.4590**aweslowski@pa.govAccepts eService

ALPHONSO ARNOLD ESQUIREPENNSYLVANIA PUBLIC UTILITY COMMISSION400 NORTH STREETHARR PA 17120**717.787.9836**alphonarno@pa.govAccepts eService